

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 8, 1999**

DIVISION ONE

B130638      Andrews et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Appel, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order denying petitioners' motion for summary judgment, and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC170652, entitled Eliezer Appel v. Isis Center et al. Augua Andrews and Solomon Jones are entitled to their costs of this writ proceeding

Spencer, P.J. Ortega, Masterson, J.

B131443      Bueno et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, prohibiting respondent superior court from ordering Jose Bueno or Richard Senne to appear and testify before the Los Angeles County Grand Jury in its investigation of an August 10, 1998 incident at the Twin Towers Correctional Facility, Los Angeles County Grand Jury Reference No. GJ 98-99/036, entitled In the Matter of the Los Angeles County Grand Jury Witness Subpoenas of Jose Bueno et al. In all other respects, the petition is denied. All parties shall bear their own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J.

DIVISION TWO

B122667      People                                  (Not for Publication)  
v.  
Arkady Shafirovich

The Court:

The order under review is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B118988      People                                  (Not for Publication)  
v.  
Taroo Algernon Mason

The Court:

The judgment is modified to reflect a \$1,000 fine pursuant to Penal Code section 1202.45, with that fine to be suspended unless and until appellant's parole is revoked. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and the \$1,000 restitution fine imposed under Penal Code section 1202.4, subdivision (b), and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Nott, J., Mallano, J (Assigned)

B123068      People      (Not for Publication)  
v.  
Aaron Alvarez Herrera

The Court:

The judgment is modified to reflect imposition of a \$1,000 parole revocation fine pursuant to Penal Code section 1202.45, that fine to be suspended unless appellant's parole is revoked, and the abstract of judgment is to be amended to so reflect. The minute order of sentencing proceedings is to be corrected to delete reference to a Health and Safety Code section 11370.2 enhancement. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B122460      People                                  (Not for Publication)  
v.  
Anthony Tucker

The Court:

The judgment is modified to reflect a \$200 parole revocation fine pursuant to Penal Code section 1202.45, such fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect this fine. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

## DIVISION THREE

B118527 People (Not for Publication)  
v.  
Rells

The judgment is modified by imposing a suspended \$2,000 Penal Code section 1202.45 parole revocation restitution fine. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting a \$2,000 Penal Code section 1202.4 restitution fine and a suspended \$2,000 Penal Code section 1202.45 parole revocation restitution fine. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B129266      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Mark W.

The appeal is dismissed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is modified by imposing a \$100 state penalty assessment pursuant to Penal Code section 1464 and a \$70 county penalty assessment pursuant to Government Code section 76000. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting imposition of these assessments and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B127449      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Ferdinard S.

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B117203      Elene Kalivas      (Not for Publication)  
v.  
Barry Controls Corporation

The appeal is dismissed. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The convictions against both defendants are affirmed. The sentences against both defendants are reversed and the cases are remanded to the trial court for resentencing as directed herein. After resentencing, the trial court shall amend the abstracts of judgment accordingly and forward certified copies to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                          Kitching, J.

B121231 People (Not for Publication)  
v.  
Benefield

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B128484 People (Not for Publication)  
v.  
Felix A.

The judgment (order continuing minor a ward of the court under Welf. & Inst. Code, 602) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

## DIVISION FOUR

B120596 Moss (Not for Publication)  
v.  
Walsh et al.

The judgment is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B117689      Fern Lane Area  
Homeowners Association et al.      (Not for Publication)  
v.  
City of Glendale

We affirm the order granting the petition. The City shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

[illegible]

The judgment is modified to stay execution of the sentence for count 2 (attempted robbery of Lorenzo) pending finality of this judgment and service of sentence as to count 1 (burglary of Lorenzo), such stay to become permanent when service of sentence is completed. As so modified, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B123206      Adelman Enterprises, Inc.      (Not for Publication)

v.

Al Brooks Theater Ticket Agency, Inc.

Jaron Brooks

The judgments are affirmed. The parties are to bear their own costs on appeal.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B122536      Sumitomo Marine  
& Fire Insurance Co.      (Not for Publication)

v.

David Stotler

The judgment is affirmed. Respondent David Stotler is awarded his costs on appeal.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B128806      People      (Not for Publication)

v.

Patricia Moats

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.

Godoy Perez, J.

DIVISION FIVE (Continued)

B126272      Genie Fantasy Co.      (Not for Publication)  
                 v.  
                 Leonard Gross

The judgment is affirmed. Respondent to recover costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

B124588      People      (Not for Publication)  
                 v.  
                 Joseph Tennard

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

B127324      People      (Not for Publication)  
                 v.  
                 Andre Green

The judgment is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.



DIVISION FIVE (Continued)

B123318      Kenneth Blair et al.      (Not for Publication)  
                 v.  
                 Interstate Warner Marriot

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Godoy Perez, J.

B123585      People      (Not for Publication)  
                 v.  
                 Jose R. Vasquez

The judgment is modified to impose a second laboratory analysis fee of \$50 pursuant to Health and Safety Code section 11372.5, a state penalty assessment of \$100 pursuant to Penal Code section 1464, a county penalty assessment of \$70 pursuant to Government Code section 76000, and a parole revocation fine of \$750, suspended, pursuant to Penal Code section 1202.45. The judgment is also modified to add one additional day of presentence custody credit, for a total of 321 days. The judgment is affirmed in all other respects. The clerk of the superior court is directed to prepare a corrected abstract of judgment consistent with this opinion, showing a restitution fine of \$750, two \$50 laboratory analysis fees, a state penalty assessment of \$100, a county penalty assessment of \$70, a parole revocation fine of \$750, suspended, and 321 days of presentence custody credit.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

## June 8, 1999-Continued

## DIVISION FIVE (Continued)

B128125      People                                  (Not for Publication)  
v.  
Jose Trujillo

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

## DIVISION SEVEN

B121074 People (Not for Publication)  
v.  
Duenas

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

DIVISION SEVEN (Continued)

B122672 People v. Garza (Not for Publication)

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The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B118552 People (Not for Publication)  
v.  
Howard

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The order denying appellant's motion for a new trial is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B128220      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Marvin B.

The order under review is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                 Neal, J.

B127775      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Joann G.

The order is affirmed.

Lillie, P.J.

We concur:   Woods, J.  
                 Neal, J.

B129319      Jewish Defense Organization, Inc., et al. (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Rambam, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order of January 25, 1999, and to enter a new and different order granting petitioners' motion to quash service summons. Petitioners are entitled to costs on review.

Lillie, P.J.

We concur:   Johnson, J.  
                 Woods, J.